Let's start from the beginning. For years, Johnson & Johnson denied that the talcum powder in its product known as baby powder contained asbestos. They denied it, but the company's internal documents tell a different story. They indicated that Johnson & Johnson was aware for decades that its products contained asbestos, but J&J kept those products on the market anyway, and consumers, who trusted the brand, kept using them.

In the years that followed, tens of thousands of these loyal customers were diagnosed with debilitating and in some cases terminal illnesses. Eventually, many of the same customers filed lawsuits against Johnson & Johnson, but before most of the claims against the company could be heard, Johnson & Johnson closed the doors to the courtroom. It used the so-called Texas two-step to transfer its legal liabilities to a shell company and then, step two, had the shell company declare bankruptcy.

Here is the important part: When the shell company declared bankruptcy, Johnson & Johnson asked the court to freeze all ongoing litigation. That maneuver effectively prevented the company's victims from proceeding with their cases. Instead, these victims have to get in line in bankruptcy court, along with many creditors, and wait for some small payment years ahead.

That was Johnson & Johnson's devious scheme, and it was all going according to plan until last month when the Third Circuit stepped in and stopped the music on Johnson & Johnson's Texas two-step. The Third Circuit ruled that Johnson & Johnson's shell company had not acted in good faith when it declared bankruptcy. They were right.

The Third Circuit's ruling is an important victory, but the tragic reality is, for some of Johnson & Johnson's baby powder victims who sought justice, it was too little too late.

One of those victims was Kimberly Naranjo. Throughout her life, Ms. Naranjo was a model of resilience. She grew up surrounded by addiction and abuse and spent her teenage years moving from one foster home to another. Ms. Naranjo also struggled with addiction herself, but at the age of 19, she had her first child, and she changed course in her life. She set herself on the path to recovery and resolved to provide her seven children the stability and love she never knew.

Eventually, Ms. Naranjo found her calling. She earned a degree in alcohol and drug counseling and landed her dream job supporting other people on their path to recovery. But then, 3 days into her new job, Ms. Naranjo felt a pain in her side. She went to the doctor, who diagnosed her with mesothelioma. Soon after her diagnosis, Ms. Naranjo determined the only way—the only way—she could have been exposed to asbestos was through that so-called safe baby powder she used on all of her children, Johnson & Johnson baby powder.

Last year, the Judiciary Committee, which I chair, held a hearing on corporate use of bankruptcy. We included Johnson & Johnson's use of the Texas two-step. We were joined by Ms. Naranjo, who shared her story. She told the committee:

When I learned that I could file a lawsuit against Johnson & Johnson and have it decided by a jury, I finally saw a path forward for my family.

She continued:

That hope was taken from me. I learned that Johnson & Johnson filed for bankruptcy and that I would not receive a court date.

Ms. Naranjo died from her illness last month, weeks before turning 50 and weeks before the Third Circuit's ruling against Johnson & Johnson. She never received the justice she deserved.

Make no mistake, as long as the world's biggest, wealthiest companies have the ability to game our legal system and escape liability, there will be more tragic stories like Ms. Naranjo's because Johnson & Johnson is not alone in abusing bankruptcy law to avoid accountability, and that is a fact. In fact, other very large, very solvent companies are getting in on the game.

One similar case is currently being considered by the Seventh Circuit Court of Appeals. This one concerns a familiar name—3M—and its subsidiary Aearo Technologies. Like Johnson & Johnson, 3M is trying to game the bankruptcy system to avoid accountability to its customers. And these are not your average consumers; in this case, we are talking about 230,000 military veterans.

So what happened? These veterans claim they suffered hearing loss because they wore defective earplugs while in service to our country. These earplugs were manufactured by 3M and that subsidiary I mentioned, Aearo Technologies.

When those veterans came forward with their allegations, 3M turned to the same get-out-of-jail-free card that Johnson & Johnson tried to use. Aearo declared bankruptcy, and then 3M, which is certainly not bankrupt, promptly asked the court to use the bankruptcy stay to freeze all ongoing earplug litigation from American veterans.

So instead of facing the lawsuits these veterans brought, 3M is trying to use chapter 11 bankruptcy to lock the doors to the courtroom. How about that?

Fortunately, in this case, a judge refused to let 3M get away with it. Last August, a bankruptcy court ruled against the company's cynical legal scheme. But instead of changing course on this shady strategy, Aearo Technologies of 3M fame appealed the case to the Seventh Circuit.

Earlier this month, I led a number of my colleagues in the Senate and House in submitting an amicus brief to the Seventh Circuit. In it, we wrote that the Congress did not intend for the bankruptcy system to serve as a get-out-jail-free card for wealthy corporations facing litigation, especially from American veterans.

I hope the Seventh Circuit joins the Third Circuit in ruling against these schemes to deny Americans and veterans their day in court. But the truth is, these companies are trying to game the system that we in Congress created. As lawmakers, we write the laws and the rules for declaring chapter 11 bankruptcy. So, really, we have the responsibility to step up and confront these corporate abusers of bankruptcy. We must work together to keep the doors of our justice system open to every American seeking their day in court.

I believe the Senate is capable of doing things, even hard things. I believe we can bring America closer to our central aspiration of justice, and I believe we can instill more faith in this Nation of laws by ending these corporate abuses of bankruptcy once and for all.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

HONORING THE MEMORIES OF THE VICTIMS OF THE SENSELESS ATTACK AT MARJORY STONEMAN DOUGLAS HIGH SCHOOL ON FEBRUARY 14, 2018

Mr. SCOTT of Florida. Mr. President, it is hard to believe that it has been 5 years since February 14, 2018—the tragic day that the world witnessed a senseless attack and the loss of 17 innocent lives at Marjory Stoneman Douglas High School in Parkland, FL.

Today, I again come before the Senate to introduce this resolution to honor the 17 beautiful lives that were stolen from us that day. I think of them often. I talk to their families. They were sons and daughters, parents and partners. Some were educators, athletes, musicians; many of them, just kids with a life full of promise ahead of them. My heart breaks knowing they never got the chance to pursue their dreams and that their families will forever have a piece of their heart missing.

While we can't bring back the lives lost on that tragic day 5 years ago, I will always work to honor them and do everything in my power to protect our students and educators and ensure they have a safe environment to learn and succeed.

As in legislative session, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 60, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 60) honoring the memories of the victims of the senseless attack at Marjory Stoneman Douglas High School on February 14, 2018.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCOTT of Florida. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 60) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

Mr. SCOTT of Florida. Mr. President, I yield the floor.

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, I ask that the previously scheduled rollcall vote start immediately.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

VOTE ON GARCIA NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Garcia nomination?

Mr. SCOTT of Florida. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. CASEY) is necessarily absent.

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 15 Ex.]

YEAS—53

Baldwin	Heinrich	Reed
Bennet	Hickenlooper	Rosen
Blumenthal	Hirono	Sanders
Booker	Kaine	Schatz
Brown	Kelly	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Sinema
Carper	Luján	Smith
Collins	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murkowski	Warnock
Feinstein	Murphy	Warren
Fetterman	Murray	Welch
Gillibrand	Ossoff	Whitehouse
Graham	Padilla	Wyden
Hassan	Peters	

NAYS—46

Barrasso	Grassley	Risch
Blackburn	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Britt	Hyde-Smith	Schmitt
Budd	Johnson	Scott (FL)
Capito	Kennedy	Scott (SC)
Cassidy	Lankford	Sullivan
Cornyn	Lee	Thune
Cotton	Lummis	Tillis
Cramer	Marshall	Tuberville
Crapo	McConnell	Vance
Cruz	Moran	Wicker
Daines	Mullin	Young
Ernst	Paul	
Fischer	Ricketts	

NOT VOTING—1

Casey

The nomination was confirmed.

The PRESIDING OFFICER (Mr. MARKEY). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 15, Adrienne C. Nelson, of Oregon, to be United States District Judge for the District of Oregon.

Richard J. Durbin, Sheldon Whitehouse, Martin Heinrich, Tim Kaine, Tammy Baldwin, Ben Ray Luján, Tammy Duckworth, John W. Hickenlooper, Amy Klobuchar, Jack Reed, Jeanne Shaheen, Brian Schatz, Edward J. Markey, Benjamin L. Cardin, Alex Padilla, Margaret Wood Hassan, Catherine Cortez Masto.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Adrienne C. Nelson, of Oregon, to be United States District Judge for the District of Oregon, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. CASEY) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Utah (Mr. LEE) and the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting, the Senator from Utah (Mr. LEE) would have voted ''nay'' and the Senator from North Carolina (Mr. TILLIS) would have voted ''nay.''

The yeas and nays resulted—yeas 53, nays 44, as follows:

[Rollcall Vote No. 16 Ex.]

YEAS—53

Baldwin	Graham	Murray
Bennet	Hassan	Ossoff
Blumenthal	Heinrich	Padilla
Booker	Hickenlooper	Peters
Brown	Hirono	Reed
Cantwell	Kaine	Rosen
Cardin	Kelly	Sanders
Carper	King	Schatz
Collins	Klobuchar	Schumer
Coons	Luján	Shaheen
Cortez Masto	Manchin	Sinema
Duckworth	Markey	Smith
Durbin	Menendez	Stabenow
Feinstein	Merkley	Tester
Fetterman	Murkowski	Van Hollen
Gillibrand	Murphy	Warner
Warnock	Warren	Whitehouse
	Welch	Wyden

NAYS—44

Barrasso	Fischer	Ricketts
Blackburn	Grassley	Risch
Boozman	Hagerty	Romney
Braun	Hawley	Rounds
Britt	Hoeven	Rubio
Budd	Hyde-Smith	Schmitt
Capito	Johnson	Scott (FL)
Cassidy	Kennedy	Scott (SC)
Cornyn	Lankford	Sullivan
Cotton	Lummis	Thune
Cramer	Marshall	Tuberville
Crapo	McConnell	Vance
Cruz	Moran	Wicker
Daines	Mullin	Young
Ernst	Paul	

NOT VOTING—3

Casey	Lee	Tillis

The PRESIDING OFFICER (Mr. WARNOCK). On this vote, the yeas are 53, the nays are 44.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Adrienne C. Nelson, of Oregon, to be United States District Judge for the District of Oregon.

The PRESIDING OFFICER. The Senator from Rhode Island.

U.S. SUPREME COURT

Mr. WHITEHOUSE. Mr. President, I am back today now for the 20th time to shed a little light on the dark money scheme to capture and control our Supreme Court.

Part of what allows that scheme to flourish is the ethics-free zone around the Supreme Court. It is quite unique. So let's look at it.

The last time I gave this speech, No. 19, I walked through the various problems with how the Supreme Court handles allegations of misconduct by the Justices.

The short answer is that it doesn't.

The U.S. Supreme Court is the only court in the country not covered by an ethics code. And worse than that, it is the only part of the Federal Government that has no process for ethics investigation and enforcement—none.

Now, any meaningful ethics regime contains three things: first, a process for receiving complaints; second, a process for investigating those complaints once they are received; and, third, a process for reporting the result and holding powerful people accountable should those complaints turn out to be merited.

The House and the Senate, for instance, we have our Ethics Committees. The executive branch has inspector generals and the attorney general. The Federal courts, except the Supreme Court, have their own investigative procedures. It is just the Supreme Court that has none. The closest you get is probably a motion to recuse.

Let's start with the difficulty of raising ethics complaints with the Supreme Court. People who are concerned about ethics violations over at the Court have to get pretty creative because the Court has no place to submit